

Chapter 16-402 WAC
FREEDOM FROM INFESTATION BY

PLANT PESTS Last Update: 8/17/98WAC

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WAC 16-402-005 Freedom from infestation--General. Issuance of any document stating that horticultural plants are apparently free from plant pests means only that the plants were inspected and found to meet the standards for freedom from infestation by plant pests described in this chapter. The department disclaims all expressed or implied warranties, including without limitations implied warranties of merchantability and fitness for particular purpose, regarding all plants, plant parts, and plant material under this chapter. The department is not responsible for disease, genetic disorders, failure of performance or otherwise in connection with this chapter. No grower, nursery dealer, government official or other person is authorized to give any expressed or implied warranties on behalf of the department regarding this chapter.

[Statutory Authority: Chapter 15.13 RCW. 98-17-069, § 16-402-005, filed 8/17/98, effective 9/17/98.]

WAC 16-402-010 Definitions. The definitions in this section shall apply throughout this chapter.

- (1) "Department" means the Washington state department of agriculture.
- (2) "Director" means the director of the Washington state department of agriculture or the director's duly authorized representative.
- (3) "Established" means a reproducing population of a pest that is expected to have a permanent presence.
- (4) "Harmful" means injurious or potentially injurious to horticultural plants.
- (5) "Quarantine pest" means any pest listed in current Washington state quarantines as promulgated in chapter 17.24 RCW.
- (6) "Practically free" means horticultural plants which do not exceed:
 - (a) A 2% infestation level; or
 - (b) An infestation in an amount expected to result from and be consistent with good culturing and handling practices employed in the production and marketing of the horticultural plants.

[Statutory Authority: Chapter 15.13 RCW. 98-17-069, § 16-402-010, filed 8/17/98, effective 9/17/98.]

WAC 16-402-015 Standards for freedom from infestation by plant pests. Horticultural plants sold, held for sale, shipped or transported into the state must be:

- (1) Free of quarantine pests;
 - (2) Free of pests that would be harmful if allowed to become established within the state or county;
- and
- (3) Practically free of plant pests.
- Determination of this standard shall be based on visual inspection by the department.

[Statutory Authority: Chapter 15.13 RCW. 98-17-069, § 16-402-015, filed 8/17/98, effective 9/17/98.]

WAC 16-402-020 Compliance with standards required. (1) Horticultural plants sold, held for sale, shipped or transported in the state must comply with the standards described in this chapter.

(2) The director may deny, suspend or revoke the license of any person selling, holding for sale, shipping or transporting horticultural plants in violation of this chapter, pursuant to RCW 15.13.350. The director may also issue civil penalties in accordance with RCW 15.13.490 for violations of this chapter.

(3) Any horticultural plant sold, held for sale, shipped or transported in violation of this chapter shall be subject to a hold order, issued pursuant to RCW 15.13.430, or an order of condemnation, issued pursuant to RCW 15.13.440. Upon issuance of a hold order or an order of condemnation, the seller or holder of the plant material is entitled to request a hearing under chapter 34.05 RCW.

(4) The department shall issue a nursery inspection record or other official document(s) certifying compliance to this chapter.

[Statutory Authority: Chapter 15.13 RCW. 98-17-069, § 16-402-020, filed 8/17/98, effective 9/17/98.]